LANDLORD AND TENANT.—RESPONSIBILITY OF LANDLORD FOR CONDITION OF PREMISES.—Where a tenant occupied premises for more than a year without experiencing any discomfort, and then owing to the offensive odor of food carried by the rats from a recently established and adjoining restaurant in the same building the tenant's office was rendered untenantable, *Held,* the landlord was not liable for the condition and the tenant was not thereby relieved from his obligation to pay rent. *Lumpkin* v. *Provident Loan Society, Ltd.,* (Ga. App. 1915) 84 S. E. 216.

The failure of the defendant to covenant against the rats and bad odors, and absence of liability on the part of the landlord for extraordinary and unforseen occurrences, serve as a basis for the court's decision. A review of the authorities shows a division of the courts upon the question involved in the case at bar. Accord. *McKeon* v. *Cutter,* 156 Mass. 296. Several more recent decisions appear to be contrary to the rule set forth in the above mentioned cases and enunciate what would seem to be the more equitable rule. Thus, "Nightly meetings of rats coupled with offensive odors which increased until the premises became untenantable, amounts to a constructive eviction and relieves from liability to pay rent." *Barnard Realty Co.* v. *Bonwitt,* 155 App. Div. 182; *Madden* v. *Bullock,* 115 N. Y. Supp. 723; *Steep* v. *Simpson,* 141 N. Y. Supp. 863, where innumerable bed-bugs were held to amount to a constructive eviction. It matters not that the presence of the rodents or odors is in no way due to the fault of the landlord, (*Steep* v. *Simpson,* supra), nor does the fact that the landlord attempted in every available way to remedy the condition relieve him from responsibility and liability. *Madden* v. *Bullock,* supra.

LIBEL AND SLANDER.—QUALIFIED PRIVILEGE.—In an action for slander, defendant pleaded qualified privilege, in that the words were spoken in a conversation with her husband at a time when she understood her husband was likely to be arrested for his conduct with the plaintiff, and with another woman where he lived, and that it would result in disgrace being brought upon the family, and that she desired to warn him in the protection of his own interests as well as that of the family. *Held,* that an instruction charging that if a third person overheard what was said, the matter was not privileged unless such person was a mere eaves-dropper, was error. *Conrad* v. *Roberts,* (Kans. 1915) 147 Pac. 795.

There is no question that where there exists between two or more parties such a confidential relation as to throw on the party making the statement the duty of protecting the "interests of the persons concerned," the occasion is qualifiedly privileged. The further proposition that such a relationship exists between husband and wife is equally uncontroverted. NEWELL, LIBEL AND SLANDER, 579. The question, then, is whether the fact that others are present and hear the alleged slandering statements destroys the privilege. The cases seem to hold that the fact that a communication is made in the hearing of other than the parties immediately interested will not of itself destroy the privilege. *Hatch* v. *Lane,* 105 Mass. 394; *Fahr* v. *Hayes,* 50 N. J. L. 275; *Redgate* v. *Roush,* 61 Kans. 480; *Chaffin* v. *Lynch,* 84 Va.